

REMARKS

In the above-referenced case, claims 1-41 are pending.

I. Claim Objections

The Examiner has mistakenly objected to claim 2 as missing a period. The claim that was missing a period was claim 4 and it has now been corrected.

The Examiner has also objected to claim 6 as having typographical errors. The typographical errors in claim 6 have now been corrected.

II. The 35 U.S.C. §112 Rejections

Claims 1-41 were rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite.

A. Claims 1, 27, 32, and 38 – Antecedent Basis and the Preamble

Independent claims 1, 27, 32, and 38 were rejected as allegedly lacking antecedent basis for not referring, in the body of the claims, back to the preamble of the claims. Applicant respectfully submits that Applicant is not required to refer to the preamble for antecedent basis. “If the body of the claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention’s limitations, then the preamble is not considered a limitation and is of no significance to claim construction.” MPEP 2111.02 (II) (emphasis added). In this case, the preamble merely states the intended use in each of the independent claims. Therefore, the body of each of these claims does not need to refer to the preamble for antecedent basis. Based on the foregoing, Applicant respectfully requests the Examiner to withdraw these rejections.

B. Claims 1, 27, and 32 – “a request for assistance”

Independent claims 1, 27, and 32 were further rejected as having insufficient antecedent basis for certain limitations in the body of the claims. Claims 1, 27, and 32 have been amended to make the implicit differentiation between the several requests explicit.

C. Claims 6, 12, 17, 21-23, 25, 31, and 37

Dependent claims 6, 12, 17, 21-23, 25, 31, and 37 were rejected as having insufficient antecedent basis for the limitation “said request.” These dependent claims have been amended to recite the “second” request.

D. Claim 15

Dependent claim 15 was rejected as having insufficient antecedent basis for the limitation “said requested information.” This claim has been amended to overcome this rejection.

E. Claim 33

Claim 33 was rejected as allegedly having insufficient antecedent basis.

In the first instance, the Examiner rejected the limitation “an assistance request” as having insufficient antecedent basis. Applicant respectfully traverses the rejection because the claim makes it clear that the assistance request is not the same as the affirmative request. Each request is separately modified by a different adjective (i.e., either “assistance” or “affirmative”). Therefore, “an assistance request” does not lack any antecedent basis because it is being introduced for the first time in lines 6-7 of claim 33.

In the second instance, the Examiner rejected the limitation “a remote location” for not referring to the preamble. As explained above in Section II.A, Applicant respectfully submits that the body of this claim does not have to refer to any text in the preamble.

Based on the foregoing, Applicant respectfully requests the Examiner to withdraw the 112 rejection with respect to claim 33.

III. The 35 U.S.C. §102 Rejections

Claims 1-2, 4-5, 7, 10-11, 18, 21-23, 25-28, 32-35, 38, and 41 were rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Koritzinsky et al., U.S. Patent No. 6,988,074 (“KORITZINSKY”).

A. Independent Claims 1, 27, 32, and 38

Independent claims 1, 27, 32, and 38 have been amended to explicitly recite an external physical button which is engaged by a user to trigger an affirmative request for assistance. This limitation was original implicit in these claims.

The Examiner cited Figure 8, Item 216, of KORITZINSKY as allegedly disclosing a button for assistance. However, Item 216 is a graphical button that is a part of a large user interface displayable on a computer screen. In fact, throughout the patent, KORITZINSKY discloses multiple graphical buttons displayable on a screen for invoking various functions. KORITZINSKY does not disclose any physical buttons that may be engaged to trigger a request.

In contrast, the amended independent claims in the present case recite an external physical button that can be physically engaged by a user.

Based on the foregoing, these independent claims should now be in condition for allowance.

B. Independent Claim 33

The original independent claim 33 recited “an external button.” The Examiner did not cite any specific portion of KORITZINSKY for disclosing this button. Instead, the Examiner relied on the graphical button 216 in KORITZINSKY as allegedly disclosing this external button. Applicant has amended claim 33 to make the implicit limitation of a physical button explicit. Based on the arguments above for the other independent claims, Applicant respectfully submits that claim 33 is in condition for allowance.

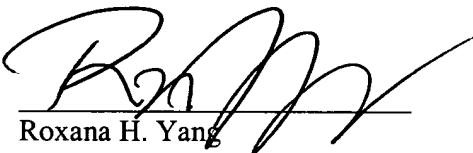
IV. The 35 U.S.C. §103 Rejections

Dependent claims 3, 6, 8, 9, 12, 13, 14-16, 29, 30, 31, 36, 37, 39, and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over KORITZINSKY and various other references in different combinations. Based on the foregoing arguments regarding the respective independent claims to these dependent claims, these dependent claims are also in condition for allowance.

V. Conclusion

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance. Should the Examiner believe that a telephone interview would help advance the prosecution of this case, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,

By: 
Roxana H. Yang
Registration No. 46,788

PATENTESQUE LAW GROUP, LLP
P.O. Box 400
Los Altos, CA 94023
(650) 948-0822